

IFW

GOWLINGS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICIAL ACTION RESPONSE

Mail Stop: RESPONSE - NO FEE
Serial No.: 10/630768
For: SUPPORT ASSEMBLY FOR A HORIZONTALLY-EXTENDING MEMBER
Applicant: REIMER, Dale
Filing Date: July 31, 2003
Our Ref: H310830US
Date: August 12, 2004

The Assistant Commissioner of Patents
Washington D.C.
20231, U.S.A.

Dear Sir:

In response to the official action of July 12, 2004, please amend this application as follows:

IN THE SPECIFICATION

Paragraph [0006] line 5 cancel "for retaining" and insert - - with a rectangular aperture for slidably receiving in a horizontal direction - -.

Paragraph [0006] line 5 cancel "in position" and insert - - which has a corresponding rectangular section - -.

A copy of paragraph [0006] as amended is submitted herewith.

IN THE CLAIMS

Cancel claim 1 and insert new claim 8 as follows:

8. (New) A support assembly for a horizontally-extending member of rectangular section, said support assembly including a pair of support devices, each support device having a leg with a lower end engageable with the ground and an upper end carrying a retainer with a rectangular aperture for slidably receiving in a horizontal direction a horizontally-extending member of corresponding rectangular section to retain the horizontally-extending member in position, and securing means operable to secure the legs of the support device together whereby the rectangular shape of the horizontally-extending member and the retainer aperture serve in use to retain the legs in a position with the legs diverging downwardly from and laterally of the horizontally-extending member in a member supporting configuration.

Claim 2 line 1 cancel "1" and insert - - 8 - -.

Claim 2 line 1 after "wherein" insert - - in use - - .

Cancel claim 3.

Claim 4 line 1 cancel "1" and insert - - 8 - -.

Claim 5 line 1 cancel "1" and insert - - 8 - -.

Claim 6 line 1 cancel "1" and insert - - 8 and two horizontally-extending members each supported by a respective support assembly - -.

Claim 7 line 1 cancel "1" and insert - - 8 and two horizontally-extending members each supported by a respective support assembly - -.

Insert new claim 9 as follows:

9. (New) A support assembly and a horizontally-extending member of rectangular section supported thereby, said support assembly including a pair support devices, each support device having a leg with a lower end in engagement with the ground and an upper end carrying a retainer with a rectangular aperture slidably receiving the horizontally-extending member of corresponding rectangular section and retaining the horizontally-extending member in position, and securing means securing the legs of the support devices together, the rectangular shape of the horizontally-extending member and the rectangular aperture retaining the legs in position with the legs diverging downwardly from and laterally of the horizontally-extending member in a member supporting configuration.

A copy of the claims as amended is submitted in a separate sheet.

IN THE DRAWINGS

Cancel the present informal drawings and insert the new formal drawings submitted herewith.

REMARKS

Formal drawings have now been submitted to replace the informal drawings filed with the application. In order to overcome the drawing objections in the official action, reference numeral 36 has been inserted in Fig.2 and reference numeral 54 in Fig.4 has been replaced with reference numeral 52.

In the specification, paragraph [0006] has been amended to state that the retainer 22 has a rectangular aperture for slidably receiving in a horizontal direction, the horizontally-extending member 14 which has a corresponding rectangular section. Such subject matter was clearly recited in now-cancelled claim 3 and/or shown in the drawings as filed.

In the claims, claim 1 has been replaced by new claim 8, with amendments having been made to make it clear that claim 8 and dependant claims 2, 4 and 5 are clearly directed to a support assembly per se. Claim 2 has also been amended for the same purpose, and claim 6 and 7 have been suitably amended to positively recite two horizontally-extending members each supported by a respective support assembly. It is therefore believed that the objections raised under 35 U.S.C. § 112 have consequently been clearly overcome.

Claim 1 has been rewritten as new claim 8 both to overcome the objection under 35 U.S.C. § 112 and also to more clearly distinguish the invention from the cited prior art in view of the objections under 35 U.S.C. § 102 and 35 U.S.C. § 103. In view of the features now included in new claim 8, previous dependant claim 3 has been cancelled.

It is therefore respectfully submitted that new claim 8 is clearly patentable over Roberts. Claim 8 specifies that each support device has an upper end carrying a retainer with a rectangular aperture for slidably receiving in a horizontal direction a horizontally-extending member of corresponding rectangular section. There is no teaching in Roberts of such a feature. Similar comments apply with respect to McQuiston.

Newly added claim 9 is directed to the combination of a support assembly and a horizontally-extending member. Claim 9 includes all the features of claim 8 and is consequently believed to be clearly patentably distinguished from the cited prior art.

Favourable reconsideration and allowance of this application are therefore requested.

Respectfully submitted,

DALE REIMER

By: 

GOWLING LAFLEUR HENDERSON LLP

Robert F. Delbridge

Registration No.24969

RFD:gm

PO Box 1045, LCD 1
560-120 King Street West
Hamilton, Ontario
L8N 3R4, Canada
Tel.(905) 540-3290

::ODMA\PCDOCS\HAM_LAW\89503\1
July 8, 2002

[0006] Referring to the drawings, Fig. 1 shows a sawhorse utilizing two support assemblies 12 in accordance with one embodiment of the invention, the support assemblies 12 supporting a horizontally extending member 14 of rectangular section. Each support assembly has a pair of support devices 16, with each support device having a tubular leg 18 of square section with a lower end 20 engageable with the ground and an upper end carrying a retainer 22 with a rectangular aperture for slideably receiving in a horizontal direction the horizontally-extending member 14 which has a corresponding rectangular section.